

REMARKS

Claims 1, 2, 4-8, 10-12, 17-21, 23, 24, 27, 28 and 33-48 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

APPLICANTS' INITIATED INTERVIEW SUMMARY

Applicants thank the Examiner for granting an interview with Applicants' representative on August 21, 2009. During the interview, the independent claims were discussed with the Examiner, as were the references to Sullivan, III et al. and Melkent et al.

During the interview, Applicants' representative believes an agreement was reached that independent claims 1, 42, and 46 are in condition for allowance over the cited art, at least for the reasons discussed herein. In addition, proposed amendments were discussed regarding independent claims 17, 24, and 39, that Applicants' representative also believes will place the claims in condition for allowance, again, at least for the reasons discussed herein.

Applicants request that the Examiner contact Applicants' representative if all of the claims are not in condition for allowance.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, 4-8, 10-12, 17-21, 23, 24, 27, 28, 33-38 and 39-46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Melkent et al. (U.S. Pat. Pub. No. 2003/0208122) (herein Melkent) or alternatively, as being unpatentable over Melkent. Claims 1, 2, 4-8, 10-12, 17-21, 23, 24, 27, 28, 33-38 and 39-46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sullivan, III et al. (U.S. Pat. No. 6,238,402) (herein Sullivan) or alternatively, as being unpatentable over Sullivan. These rejections are respectfully traversed.

Melkent is directed to a tool guide 125 (illustrated in Fig. 3) having a plurality of cannulas 310. Countersinks 375 of the guide 125 can assist a surgeon placing an implement into the guide once the guide 125 is properly positioned in the patient's body. See, Melkent para. 47. For example, a drill attached to a guide wire can be passed down to each of the cannulas of the guide tool 125. See, Melkent para. 47. Accordingly, the instrument 125 is disclosed to be positioned in the patient's body for guiding an instrument.

Sullivan is directed to a stent delivery system. The stent retraction system includes a rotation handle 16, illustrated in Fig. 11, having a trigger 46 in an assembly. A gear 70 and other gear portions 72 and 74 are interconnected with a ratchet that is attached to a wire 32. The ratchet assembly includes a ratchet pawl 89 and a rack tab 82 that allows for a strip 84 to be moved proximally when the trigger 46 is squeezed, but held in place when the trigger is released. See, Sullivan, col. 4, line 40 to col. 5, line 6. In moving the ratchet system, by repeatedly squeezing and releasing the trigger 46, the stent 82 is released and self expanded. See Sullivan, col. 5; Ins. 15-25. The gear

assembly 70, as illustrated in Fig. 11, is contained within the housing of the retraction handle 16. The trigger 46 and ratchet assembly is used only to remove the cover and release the stint.

INDEPENDENT CLAIMS 1, 42, AND 46

Independent claim 1 recites “a thumb wheel advancer system...wherein the thumb wheel advancer system translates rotation of the thumb wheel about the thumb wheel axis.” Independent claim 42 recites “an advancer assembly...a thumb wheel advancer including a thumb wheel.” Independent claim 46 recites “a handheld advancer assembly...a thumb wheel advancer system . . . including a thumb wheel operable to be moved with a thumb of the user.” As discussed with the Examiner during the interview, Applicants respectfully submit that neither Melkent, nor Sullivan anticipate or fairly render obvious a thumb wheel as recited in the independent claims. As discussed with the Examiner, Melkent discloses a guide system that can be positioned relative to a patient. See Melkent par. 46-47. Melkent discloses a guide body 305, a cannula with a hole 375, and a flange 370. Sullivan does not disclose a thumb wheel as recited in the independent claims 1, 42, or 46. Sullivan discloses a trigger 46 that can be actuated, as discussed above, to move a ratchet and pawl system to withdraw a sheath. Accordingly, as agreed with the Examiner, independent claims 1, 42, and 46 are in condition for allowance. In addition, the claims that depend directly or indirectly from independent claims 1, 42, and 46 should also be in condition for allowance.

INDEPENDENT CLAIM 17

Independent claim 17 has been amended to recite “a guide unit having a range of motion along a first axis . . . an MR compatible cable that operably couples the rotating wheel advancer to the holder assembly, wherein input from the rotating wheel advancer controls motion of the holder assembly along the range of motion by moving the cable along a second axis different from the first axis.” Support for the amendment to independent claim 17 can be found in the application as filed, including Figs. 6-8 and the associated description. For example, the application as filed describes that the cable 130 routes into the introducer 100. The cable 130 routes into a body 240 and over the cable guide end along a groove 213 and then travels back down the slide tower 210. See the Applicant as filed, page 5, line 30 to page 6, line 9. Accordingly, Applicants respectfully submit that the amendment to independent claim 17 is supported by the application as filed.

In addition, Applicants respectfully submit that the art cited in the rejections do not anticipate or fairly render obvious independent claim 17 at least because neither Melkent, nor Sullivan anticipate or fairly render obvious a guide unit having a range of motion along a first axis and a MR compatible cable that is moved along a second axis different from the first axis to control motion of the holder assembly with the rotating wheel advancer. Melkent discloses passing an instrument through a cannula. Sullivan only discloses a retraction handle 16 that pulls an outer sheath 14 proximally to release a stent. The sheath is pulled axially over the length of the stent. See, Sullivan column 5, lines 9-25. Accordingly, independent claim 17 should be in condition for allowance, as are each of the claims that depend directly or indirectly therefrom.

INDEPENDENT CLAIM 24

Independent claim 24 has been amended to recite “a user supported housing attached to an adjusting wheel system including a thumb wheel coupled locally to the guide unit, wherein the thumb wheel is operable to rotate around an axis of rotation and the adjusting wheel system translates the rotary motion of the thumb wheel around the axis of rotation into substantially linear motion.” As discussed above, Applicants respectfully submit that a thumb wheel is not anticipated or fairly rendered obvious by the art cited in the rejections. As discussed with the Examiner, Applicants submit that this amendment places independent claim 24 in condition for allowance along with the claims that depend directly or indirectly from independent claim 24. Additionally, support for a thumb wheel is found in the application as filed, including original claim 3.

INDEPENDENT CLAIM 39

Independent claim 39 has been amended to recite “rotating the wheel advancer around a fixed axis to form tension on at least one of the cable or the holder assembly, wherein tension applies a force to the holder thus moving the holder assembly along a range of motion defined by the guide unit; wherein the cable translates non-coaxially with the holder assembly.” Applicants submit that the amendment to independent claim 39 is supported by the application as filed, at least in the same areas as the support for the amendments to independent claim 17. In addition, Applicants respectfully submit that independent claim 39 is in condition for allowance in light of the cited art at least because the cited art does not anticipate or fairly render obvious forming tension with at least one of a cable or holder assembly, thus moving the holder assembly, wherein the

cable translates non-coaxially with the holder assembly. As discussed above, Applicants respectfully submit that Melkent is directed to an open cannula and Sullivan requires that the sheath 14 move axially with any portion that is being moved. Thus, independent claim 39 and all the claims that depend directly or indirectly therefrom should be in condition for allowance.

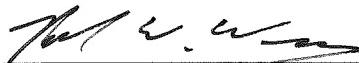
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 25, 2009

By:


Richard W. Warner, Reg. No. 38,043
Michael L. Taylor, Reg. No. 50,521

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

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